

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

**SAMSUNG DEFENDANTS’ MOTION TO EXPEDITE BRIEFING ON SAMSUNG’S
RENEWED MOTION TO STAY PENDING *EX PARTE* REEXAMINATION**

Defendants Samsung Electronics Co., LTD (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively “Samsung”) respectfully file this opposed motion to expedite briefing on Samsung’s Renewed Motion to Stay Pending *Ex Parte* Reexamination.

On October 23, 2024, the PTO granted Samsung’s request for *ex parte* reexamination (“EPR”) of all claims of the sole remaining asserted patent in this case. As of the latest correspondence from the Court on September 17, 2024, the parties do not have a set trial date. Based on this correspondence, Samsung understands that while the parties do not have a set trial date, the Court anticipates but does not guarantee that the parties trial date will be reset in the month of December 2024.

In light of the PTO’s grant of EPR, Samsung is filing, concurrently herewith, a renewed motion to stay the case pending resolution of EPR proceedings against the ’976 patent. As explained in the concurrently filed motion to stay, given that all claims of the sole asserted patent are subject to EPR, a stay could simplify the case and allow the parties and Court to save substantial resources.

Samsung submits that expedited briefing is appropriate in view of the close proximity of the approaching month of December, in which the Court has indicated this case may go to trial. Given the potential for trial a mere month away and number of pending motions to strike remaining before the Court, Samsung submits that informing the Court of the parties' position regarding the motion to stay as rapidly as possible can allow the Court to efficiently rule on Samsung's motion and allow the parties and Court to potentially avoid incurring the substantial cost of trial preparation and trial itself. Under a non-expedited schedule, briefing for Samsung's motion to stay would not conclude until the end of November, leaving little time for the Court to consider the parties' positions if trial is indeed set for December.

Counsel for Samsung and Headwater have conferred and Headwater opposes the expedited briefing requested by Samsung.

Samsung thus respectfully requests that the Court grant this Motion and enter an order shortening the briefing schedule as follows: (1) Headwater's response in opposition to Samsung's Renewed Motion to Stay Pending *Ex Parte* Reexamination is due on or before November 8, 2024, and (2) no further briefing is allowed.

Dated: November 1, 2024

Respectfully submitted,

By: /s/ Thad C. Kodish

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SAMSUNG ELECTRONICS AMERICA, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on Plaintiff through its counsel of record via email on November 1, 2024.

/s/ Thad C. Kodish
Thad C. Kodish

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and counsel for Defendants have met and conferred in compliance with Local Rule CV-7(h). Plaintiff opposes this motion..

/s/ Thad C. Kodish
Thad C. Kodish